

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request that City Join Amicus Brief in the case of Haggis v. City of Los Angeles

MEETING DATE: May 19, 1999

PREPARED BY: City Attorney

RECOMMENDATION: That the City join the amicus brief in the case of Haggis v. City of Los Angeles.

BACKGROUND: For purposes of information *Amicus Curiae* briefs are filed in various actions which involve matters of wide ranging concern to provide information and additional argument to the court.

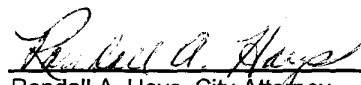
In this case a home in Pacific Palisades was damaged in January 1994 as a result of the Northridge earthquake. The plaintiff had purchased the property slightly over two years before the quake. Although this home was located on a coastal bluff the instability of which was "a fact commonly known to anyone who regularly traveled on a Pacific Coast Highway", ¹ the plaintiff never bothered to inspect the available public records concerning the property the house was built upon until after the earthquake had already done its damage. In the course of examining these records, following the earthquake, the plaintiff in this matter located documents that disclosed that over the years the City had advised earlier owners that the property was substandard and that there was a hazardous slide condition on it. The plaintiff asserts that the City's Municipal Code imposed upon it a mandatory duty to record such conditions on the title of the property and if the City had done so, the plaintiff never would have purchased the property in the first place.

This position by the property owner places into challenge the provisions of Government Code §818.6 which provides an immunity which to this point in time has been absolute regarding the inadequacy or non-inspection of a third parties property.

The City of Los Angeles has been successful through all levels of trial and Appellate Court to this point. The California Supreme Court however has decided to review this case. Before the Supreme Court decided to review this case, the case seemed to present a rather routine application of some clear cut statutory provisions that have been decided for several years in a way favorable to cities. Thus, it is troublesome to cities and the League of California Cities who is requesting our Amicus participation, that the Supreme Court has determined to review this case. If the court decides to make inroads into the protection that is provided by Government Code §818.6, the resulting exposure to the City could be quite extensive.

FUNDING: Not applicable.

Respectfully submitted,


Randall A. Hays, City Attorney

¹ See footnote 5 of the Court of Appeals opinion

APPROVED: _____

H. Dixon Flynn -- City Manager